

The Honorable Marsha J. Pechman
Trial Date: October 27, 2014

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

DEBI HUMANN,

Plaintiff,

vs.

CITY OF EDMONDS, a municipal
corporation; and MICHAEL COOPER,
in his individual and official capacities,

Defendants.

CASE NO.: 2:13-cv-00101-MJP

PROPOSED PRETRIAL ORDER

I. JURISDICTION

The Court has jurisdiction over Ms. Humann's federal claims under 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a). The Court has supplemental jurisdiction over Ms. Humann's state law claims under 28 U.S.C. § 1367(a).

II. CLAIMS AND DEFENSES

Ms. Humann claims that the City of Edmonds wrongfully terminated her in violation of Washington public policy when Mayor Cooper terminated her in September 2011 and when Mayor Earling laid her off in December 2011. She is pursuing First Amendment retaliation claims against the City based on the City Council's decision to eliminate funding for the Human Resources Director position in November 2011 and for Mayor Earling's decision to lay her off in December 2011. Ms. Humann also claims that defendant Micheal

Cooper and the City of Edmonds deprived her liberty interest without Fourteenth Amendment due process and defamed her. Defendants deny all claims.

III. ADMITTED FACTS

The following facts are admitted by the parties:

1. Plaintiff Debi Humann worked at the City of Edmonds for 12 years. She spent 11 of those years working in the Human Resources Department.

2. Ms. Humann was promoted to Human Resources Manager in 2004 by former Mayor Gary Haakenson. Ms. Humann was promoted to Human Resources Director in July 2008 by former Mayor Haakenson.

3. The Human Resources Director at the City of Edmonds is an at-will position.

4. Human Resources Analyst Mary Ann Hardie reported to Ms. Humann. Ms. Hardie and Ms. Humann were the only two employees in the Human Resource Department during the times at issue in this case.

5. In July 2010, the Edmonds City Council appointed Defendant Micheal Cooper to complete the term of the prior mayor, Gary Haakenson.

6. In August 2010, Mayor Cooper hired Kimberly Cole as his Executive Assistant.

7. Mayor Cooper was Ms. Cole's direct supervisor. He approved her exception time sheet reports.

8. The Mayor's Executive Assistant is an "exempt" position which is paid by salary, not by an hourly wage.

9. When Ms. Humann informed Mayor Cooper in September 2011 that the State Auditor's office had requested records relating to Cole's attendance and exception time sheets, Cooper instructed her to cooperate with the Auditor's office.

10. On September 22, 2011, Mayor Cooper discharged Ms. Humann from employment.

1 11. Mayor Cooper announced his decision to terminate Ms. Humann in a
2 statement that was sent to the City Council, all City Directors, and local press. Mayor
3 Cooper stated:

4 I am sending this email to inform you that Debi Humann is
5 [no] longer employed by the City. This is not a decision that
6 came lightly but a change was needed. The city's ability to
7 function relies on a relationship between the Mayor and staff
8 that is based on the highest level of trust and confidentiality.
9 That level of trust has deteriorated to a place where I no
10 longer had confidence in her ability to do the job and to work
11 effectively with me. In order to have the public trust the city
12 needs a committed staff that maintains that highest level of
13 trust with the mayor and council.

14 12. On September 22, 2011, Mayor Cooper appointed Parks Recreation and
15 Community Services Director Carrie Hite to take on additional duties as of Interim Human
16 Resources Director.

17 13. Following Ms. Humann's termination, Mayor Cooper appointed Human
18 Resource Analyst Mary Ann Hardie to Acting Human Resources Manager.

19 14. On October 12, 2011, Ms. Humann filed a complaint with the City challenging
20 her termination pursuant to City of Edmonds Personnel Policy 10.3 and the Local
21 Government Employee Whistleblower Protection Act, RCW 42.41.050. Ms. Humann's
22 complaint sought reinstatement to her position as Human Resources Director, full back pay
23 and benefits, and attorney's fees and costs

24 15. On October 13, Ms. Humann's attorney, Cliff Freed, issued a press release
25 regarding the complaint. In addition, Ms. Humann made statements to the press in which
26 she asserted that she was fired for whistleblowing activity.

27 16. David Earling defeated Mayor Cooper in the November 6 election.

28 17. As Mayor, Cooper and his administrative staff created and proposed a budget
for 2012. Cooper's proposed 2012 budget contained no proposal to eliminate the Human
Resources Director position, nor to eliminate funding for this position.

 18. November 22, 2011, was Mayor Cooper's last City Council meeting in office.

1 provably false, fair comment, protected speech, privileged and not defamatory.

2 3. Plaintiff's claim for back pay and other damages which resulted from
3 Defendant Cooper's decision to discharge her from employment are barred by the doctrines
4 of res judicata, collateral estoppel, issue preclusion and/or claim preclusion.

5 4. There has been an accord and satisfaction as to Plaintiff's claim for back pay
6 and other damages which resulted from Defendant Cooper's decision to discharge her from
7 employment.

8 5. Plaintiff has failed to mitigate damages.

9 6. In the event there is a judgment entered against Defendant Cooper, he is
10 entitled to an offset for advance payments made by or on behalf of the defendants, including
11 the sums paid as a result of the settlement of Plaintiff's administrative claim for back pay
12 and other damages.

13 VI. STIPULATED ISSUES OF LAW

14 1. As Mayor, Defendant Cooper had final policy making authority from the City
15 of Edmonds regarding issues of employment.

16 2. Defendant Cooper was acting as the final policy maker for the City of Edmonds
17 when he terminated Ms. Humann and when he made a public statement about her
18 termination.

19 3. Defendant Cooper was acting within the scope of his authority as Mayor of
20 the City of Edmonds when he made a public statement about Ms. Humann's termination.

21 4. Mayor Earling had final policy making authority from the City of Edmonds
22 regarding issues of employment.

23 5. Mayor Earling was acting as the final policy maker for the City of Edmonds
24 when he decided to reinstate and layoff Ms. Humann.

25 6. Mayor Earling was acting within the scope of his authority as Mayor of the
26 City of Edmonds when he decided to reinstate and layoff Ms. Humann.

3. Whether Plaintiff should be barred from seeking reinstatement in light of the fact that the position of Human Resources Director was not included in the 2012 budget legislatively adopted by the Edmonds City Council and she is afforded an adequate remedy at law.

Defendant reserves the right to supplement this section if significant legal issues remain that should be addressed by the court.

IX. DEFENDANT COOPER'S ISSUES OF LAW

1. Whether Defendant Cooper is entitled to absolute and/or qualified immunity.

2. Whether Defendant Cooper's statements relating to Plaintiff were opinion, not provably false, fair comment, protected speech, privileged and/or not defamatory.

3. Whether Plaintiff's claim for back pay and other damages which resulted from Defendant Cooper's decision to discharge her from employment are barred by the doctrines of res judicata, collateral estoppel, issue preclusion and/or claim preclusion.

4. Whether there has been an accord and satisfaction as to Plaintiff's claim for back pay and other damages which resulted from Defendant Cooper's decision to discharge her from employment.

5. Whether, in the event there is a judgment entered against Defendant Cooper, he is entitled to an offset for advance payments made by or on behalf of the defendants, including the sums paid as a result of the settlement of Plaintiff's administrative claim for back pay and other damages.

6. Whether Plaintiff should be barred from calling Nancy Bartley as a witness because plaintiff never disclosed this person as a possible witness in initial disclosures, during discovery or in her pretrial statement.

X. EXPERT WITNESSES

The names and addresses of the expert witnesses to be used by each party at trial and the issue upon which each will testify is:

A. On behalf of plaintiff:

1. Robert T. Patton, Ph.D. *Will Testify*
1100 Chuckanut Crest Lane
Bellingham, WA 98229

Dr. Patton will testify regarding Ms. Humann's economic damages.

2. James C. Webber *Will Testify*
Jim Webber Training-Consulting-Investigations
218 Main Street, PMB 304
Kirkland, WA 98033
(206) 601-9249

Mr. Webber will be called to testify about his investigation into Ms. Cole's allegations of hostile work environment, his communications with City employees, officials, and attorneys, and his investigation findings and report.

B. On behalf of defendant City of Edmonds:

1. Claire Cordon *May Testify*
200 1st Avenue W., Suite 402
Seattle, WA 98119-4923

The City of Edmonds may call Ms. Cordon to testify regarding Human Resources practices and management, reasonable expectations of a Human Resources Director. Ms. Humann's qualifications and performance in the role of Human Resources Director, and Mayor Cooper's expectations and evaluation of Plaintiff's performance in the position.

XI. OTHER WITNESSES

The names and addresses of witnesses, other than experts, to be used by each party at the time of trial and the general nature of the testimony of each are:

A. On behalf of plaintiff:

1. Nancy Bartley *May Testify*
Seattle Times
1000 Denny Way,
Seattle, WA 98109
(206) 464-2111

Ms. Bartley is a journalist who may testify about statements made to the media by City officials and employees.

1 2. Debi Humann *Will Testify*
2 c/o Frank Freed Subit & Thomas
3 705 Second Avenue, Suite 1200
4 Seattle, WA 98104-1798
 (206) 682-6711

5 Ms. Humann will testify about her employment at the City of Edmonds, the City's
6 Human Resources Department, Ms. Cole's attendance, her termination, the elimination of
7 funding for the Human Resources Director, her reinstatement and layoff, the media
8 coverage and public attention surrounding these events, and the damages she suffered as a
9 result of defendants' conduct. She may also be called to testify about Ms. Cole's reputation
10 for honesty.

11 3. Sharon Cates *Possible Witness Only*
12 Lighthouse Law Group
13 1100 Dexter Avenue N., Suite 100
14 Seattle, WA 98109-3598
 (206) 273-7440

15 Ms. Cates may be called to testify about Plaintiff's job performance, the decision to
16 terminate Plaintiff's employment on September 22, 2011, the September 2011 settlement
17 negotiations between Mayor Cooper and Kimberly Cole, and/or Ms. Cates' knowledge of
18 employment law.

19 4. Sandy Chase *Possible Witness Only*
20 531 Homeland Drive
 Edmonds, WA 98020

21 Ms. Chase may be called to authenticate City records, to testify regarding certain
22 requests for public records, and Plaintiff's job performance.

23 5. Stephen Clifton *Will Testify*
24 18225 – 85th Place West
25 Edmonds, WA 98026

26 Mr. Clifton will be called to testify about his knowledge regarding Ms. Cole's
27 attendance. He also will be called to testify about Ms. Humann's job performance and her
28 role in attempting to prevent misconduct as it relates to Ms. Cole's attendance and pay. He

(206) 623-8861

Ms. Hardie will be called to testify about the City's Human Resources Department, Ms. Humann's job performance, Ms. Cole's attendance, timesheets, and job performance, and the decisions to terminate Ms. Humann in September 2011, eliminate funding for the Human Resources Director position in November 2011, and reinstate and layoff Ms. Humann in December 2011. She may also be called to testify about Ms. Cole's reputation for honesty.

14. Carrie Hite *Will Testify*
 c/o Jayne L. Freeman
 Keating Bucklin & McCormack
 800 Fifth Avenue, Suite 4141
 Seattle, WA 98104-3175
 (206) 623-8861

Ms. Hite will be called to testify concerning her performance of duties formerly completed by the Human Resource Director, and the structure and function of the Humann Resources Department after September 22, 2011. She will also be called to testify about Ms. Humann's performance, termination, the elimination of funding for the Human Resources Director position and Ms. Humann's reinstatement and layoff.

15. Strom Peterson *Will Testify*
 c/o Jayne L. Freeman
 Keating Bucklin & McCormack
 800 Fifth Avenue, Suite 4141
 Seattle, WA 98104-3175
 (206) 623-8861

Mr. Peterson will be called to testify about Ms. Humann's job performance, Ms. Cole's attendance, Ms. Humann's September 22, 2011 termination and October 12, 2011 whistleblower complaint, the City Council's decision to eliminate funding for the Human Resources Director position, and Ms. Humann's reinstatement and layoff. He will also be called to testify about City Council meetings and his communications with others regarding the 2012 budget and/or Ms. Humann.

16. Kim Michael Plunkett *Possible Witness Only*
2628 – 39th Avenue West
Seattle, WA 98199

Mr. Plunkett will be called to testify about the City Council's decision to eliminate funding for the Human Resources Director position, and Ms. Humann's reinstatement and layoff.

17. Jeffrey Taraday *Possible Witness Only*
Lighthouse Law Group
1100 Dexter Avenue N., Suite 100
Seattle, WA 98109-3598
(206) 273-7440

Mr. Taraday may be called to testify about his interactions with Ms. Humann, the timing of his communications with City officials and employees regarding Ms. Humann, and/or his knowledge of employment law.

18. Jim Tarte, Finance Director *Possible Witness Only*
4733 – 48th Avenue NE
Seattle, WA 98005

Mr. Tarte may be called to testify about Ms. Humann's job performance, Ms. Cole's attendance, timesheets, and pay. He may also be called to testify about the 2012 budget process and the City Council's decision to eliminate funding for the Human Resources Director position.

19. Bob Uptagraft *Will Testify*
c/o Frank Freed Subit & Thomas
705 Second Avenue, Suite 1200
Seattle, WA 98104-1798
(206) 682-6711

Mr. Uptagraft will be called to testify about the emotional distress and reputational harm Ms. Humann suffered as a result of defendants' conduct.

20. James C. Webber *Will Testify*
Jim Webber Training-Consulting-Investigations
218 Main Street, PMB 304
Kirkland, WA 98033
(206) 601-9249

1 Mr. Webber will be called to testify about his investigation into Ms. Cole's
2 allegations of hostile work environment, his communications with City employees, officials,
3 and attorneys, and his investigation findings and report.

4 21. D.J. Wilson *Possible Witness Only*
5 3500 – 188th Street SW, Ste 590
6 Lynnwood, WA 98037

7 Mr. Wilson may be called to testify about the decisions to terminate Ms. Humann,
8 eliminate funding for the Humann Resources Director position, and reinstate and layoff Ms.
9 Humann.

10 22. Phil Williams *Will Testify*
11 c/o Jayne L. Freeman
12 Keating Bucklin & McCormack
13 800 Fifth Avenue, Suite 4141
14 Seattle, WA 98104-3175
15 (206) 623-8861

16 Mr. Williams will be called to testify about Ms. Humann's job performance and
17 reputation, Ms. Cole's attendance and job performance, Ms. Humann's termination, the
18 elimination of funding for the Human Resources Director, and Ms. Humann's reinstatement
19 and layoff. He may also be called to testify about Ms. Cole's reputation for honesty.

20 23. Teresa Wippel *Possible Witness Only*
21 23800 74th Avenue W
22 Edmonds, WA 98026

23 Ms. Wippel is a journalist who may testify about statements made to the media by
24 City officials and employees.

25 24. Pat Ratliff, Editor *Possible Witness Only*
26 Edmonds Beacon
27 806 5th Street
28 Mukilteo, WA 98275

Mr. Ratliff is a journalist who may testify about statements made to the media by City
officials and employees.

25. Oscar Halpert *Possible Witness Only*
The Daily Herald Company

PO Box 930
Everett, WA 98206

Mr. Halpert is a journalist who may testify about statements made to the media by City officials and employees.

26. Dave Gossett *Possible Witness Only*
5006 239th Pl SW
Mountlake Terrace, WA 98043

Mr. Gossett may be called to testify about Ms. Cole's employment at the Snohomish County Council, Defendant Cooper's supervision of Ms. Cole, efforts to investigate and discipline Ms. Cole for attendance, and Mr. Gossett's communications with Defendant Cooper regarding these matters. He may also be called to testify about Ms. Cole's reputation for honesty.

27. Don Gough *Possible Witness Only*
Mayor of Lynwood
19100 4th Avenue W.
Lynnwood, WA 98046-5008

Mr. Gough may testify about the attendance of Kimberly Cole as an elected City Councilwoman and efforts to investigate and discipline Ms. Cole for attendance. He may also be called to testify about Ms. Cole's reputation for honesty.

28. Loren Simmonds *Possible Witness Only*
Lynnwood City Council President
19100 4th Avenue W.,
Lynnwood, WA 98046-5008

Mr. Simmonds may testify about the attendance of Kimberly Cole as an elected City Councilwoman and efforts to investigate and discipline Ms. Cole for attendance. He may also be called to testify about Ms. Cole's reputation for honesty.

The following additional witnesses may be called to testify for the limited purpose of authenticating documents in the absence of a stipulation or judicial notice thereto, except where noted:

29. Scott Passey *Possible Witness Only*
c/o Jayne L. Freeman

Keating Bucklin & McCormack
800 Fifth Avenue, Suite 4141
Seattle, WA 98104-3175
(206) 623-8861

Mr. Passey may be called to testify about the authenticity of certain City of Edmonds public records.

30. Records Custodian – Seattle University School of Law *Possible Witness Only*
Sheila D. Underwood, Registrar
901 12th Ave.,
Sullivan Hall
PO Box 22200
Seattle, WA 98122-1090
(206) 398-4150

This individual may be called to testify about the authenticity of certain business records.

31. Records Custodian – Snohomish County Council *Possible Witness Only*
Norma Middleton, HR Systems Manager
3000 Rockefeller Avenue
Everett, WA 98201
(425) 388-3411

This individual may be called to testify about the authenticity of certain public records.

32. Records Custodian – Lynnwood City Council *Possible Witness Only*
Debbie Karber, Deputy City Clerk
191004 4th Avenue W.
Lynnwood, WA 98046-5008
(425) 670-5000

This individual may be called to testify about the authenticity of certain public records.

33. Public Records Officer *Possible Witness Only*
Washington State Auditor's Office
Sunset Building – PO Box 40031
Olympia, WA 98504

This individual may be called to testify about the authenticity of certain public records.

34. Mia Wadleigh *Possible Witness Only*
Frank Freed Subit & Thomas LLP
705 2nd Ave, suite 1200
Seattle, WA 98144
(206) 682-6711

Ms. Wadleigh may be called to testify about the authenticity of trial exhibits, and public records.

35. Sheila Romoff *Possible Witness Only*
Frank Freed Subit & Thomas LLP
705 2nd Ave, suite 1200
Seattle, WA 98144
(206) 682-6711

Ms. Romoff may be called to testify about the authenticity of trial exhibits, public records, and/or the deposition of Kimberly Cole.

B. On behalf of defendant City of Edmonds:

Defendants anticipate they will or may call the following witnesses at trial; however, the designation of witnesses and scope of testimony may change depending on the court's ruling on the pending motions for summary judgment.

Will Testify:

1. Micheal Cooper, former Mayor of Edmonds
c/o John T. Kugler
Turner Kugler Law, PLLC
4700 - 42nd Avenue SW, Suite 540
Seattle, WA 98116
(206) 659-0679

Mr. Cooper will testify regarding Plaintiff's employment with Edmonds and City operations while he served as Mayor, his decision to terminate her employment, observations of, communications with and regarding Plaintiff, post-termination communications and statements, structure and organization of the City of Edmonds government and operations. If necessary, he may also testify regarding the Council's adoption of the 2012 budget as well.

2. Dave Earling, Mayor of Edmonds
c/o Jayne L. Freeman

1 Keating, Bucklin & McCormack, Inc., P.S.
2 800 Fifth Avenue, Suite 4141
3 Seattle, WA 98104
4 (206) 623-8861

5 Mayor Earling will testify regarding his decisions related to Plaintiff's employment
6 and communications with Plaintiff after he was elected in 2011, functioning of the Human
7 Resources Department and the City during his administration, and regarding the subsequent
8 organization, operations, needs, and performance of the Human Resources Department at the
9 City. Mayor Earling may also testify regarding the governmental and operational
10 organization and structure of the City of Edmonds, budget process, and City operations.

11 3. Jim Tarte, former Interim Finance Director
12 630 SW 149th Street, Suite B
13 Burien, WA 98106
14 (206) 248-9647

15 Mr. Tarte will testify regarding knowledge of facts related to Plaintiff's employment,
16 interactions with Plaintiff and Mayor Cooper, the State Auditor's 2011 audit, information
17 provided to the State Auditor, and the City's finance and payroll operations.

18 4. MaryAnn Hardie, Human Resources Manager
19 City of Edmonds
20 121 5th Avenue N.
21 Edmonds, WA 98020
22 (425) 775-2525

23 Ms. Hardie will testify regarding working in the Human Resources Department at
24 Edmonds, work with and/or communications with Plaintiff, Mayor Cooper, and others
25 regarding Plaintiff's employment, organization, operations and functioning of the Human
26 Resources Department and work completed prior to and subsequent to Ms. Humann's
27 termination.

28 5. Carrie Hite Parks, Recreation, Cultural Services Director and HR Reporting
Director
c/o Jayne L. Freeman
Keating, Bucklin & McCormack, Inc., P.S.
800 Fifth Avenue, Suite 4141

1 Seattle, WA 98104
2 (206) 623-8861

3 Ms. Hardie will testify regarding work and/or communications with Plaintiff, Mayor
4 Cooper and others regarding Plaintiff's employment, organization, budgeting, operations and
5 functioning of the Human Resources Department and the City, including work completed
6 prior to and subsequent to Ms. Humann's termination. She also may testify regarding
7 information provided to the State Auditor and may have worked with and/or communicated
8 with Plaintiff.

9 6. Sandy Chase, Former City Clerk
10 c/o Jayne L. Freeman
11 Keating, Bucklin & McCormack, Inc., P.S.
12 800 Fifth Avenue, Suite 4141
13 Seattle, WA 98104
14 (206) 623-8861

15 Ms. Chase will testify regarding working and/or communicating with Plaintiff, Mayor
16 Cooper, and others at the City of Edmonds, as well as her role and procedures involved in
17 responding to Public Records Requests, and City operations.

18 7. Sharon Cates, Lighthouse Law Group, Asst. City Attorney
19 c/o Jayne L. Freeman
20 Keating, Bucklin & McCormack, Inc., P.S.
21 800 Fifth Avenue, Suite 4141
22 Seattle, WA 98104
23 (206) 623-8861

24 Ms. Cates will testify regarding communications with Plaintiff and/or observed
25 conduct by Plaintiff. By identifying Ms. Cates as an individual with knowledge of facts, the
26 City does not intend to waive any attorney-client, work product, executive session, or other
27 privileges that may apply.

28 8. Jeff Taraday, Lighthouse Law Group, City Attorney
 c/o Jayne L. Freeman
 Keating, Bucklin & McCormack, Inc., P.S.
 800 Fifth Avenue, Suite 4141
 Seattle, WA 98104
 (206) 623-8861

Mr. Taraday will testify regarding communications with Plaintiff and/or observed conduct by Plaintiff. Depending on the issues at trial, Mr. Taraday may be called to testify regarding non-privileged communications with Mayors and Councilmembers of the City of Edmonds. By identifying Mr. Taraday as an individual with knowledge of facts, the City does not intent to waive any attorney-client work product, executive session, or other privileges that may apply.

9. K. Michael Plunkett
Former Edmonds Councilmember
c/o counsel Michael Bolasina
Summit Law Group, PLLC
315 5th Avenue S., Suite 1000
Seattle, WA 98104
(206) 676-7000

Mr. Plunkett will testify regarding interactions and communications with and observations of Plaintiff in her role as Human Resources Director for the City of Edmonds, City governmental and operational structure, operations, budget, Council and committee meetings. If necessary, Mr. Plunkett will also testify regarding the City Council's adoption of the 2012 budget and related proceedings.

May Testify:

10. Kimberly Cole, former employee

Address:

Ms. Cole may testify via video deposition regarding her interactions with and Plaintiff and Mayor Cooper, complaints about Ms. Humann, and facts related to her own employment with Edmonds.

11. Diane Buckshnis, Councilmember
c/o Jayne L. Freeman
Keating, Bucklin & McCormack, Inc., P.S.
800 Fifth Avenue, Suite 4141
Seattle, WA 98104
(206) 623-8861

Ms. Buckshnis may testify regarding plaintiff's conduct and/or engaging in communications with or regarding Plaintiff and/or the Human Resources and/or finance staff, issues, or committees, City of Edmonds governmental and organizational structure, City operations, business, and finances. By identifying this individual as potentially having knowledge of information, the City does not intend to waive any privileges that may apply to such knowledge, including but not limited to attorney-client or work product privileges or Executive Session privileges. If necessary depending on the issues remaining at trial, this witness may also testify regarding the City budget, Council meetings, and adoption of the 2012 budget.

12. Steve Bernheim, Former Councilmember
c/o Jayne L. Freeman
Keating, Bucklin & McCormack, Inc., P.S.
800 Fifth Avenue, Suite 4141
Seattle, WA 98104
(206) 623-8861

Mr. Bernheim may testify regarding plaintiff's conduct and/or communications with or regarding Plaintiff and/or the Human Resources and/or finance staff, issues, or committees, City of Edmonds governmental and organizational structure, City operations, business, and finances. By identifying this individual as potentially having knowledge of information, the City does not intend to waive any privileges that may apply to such knowledge, including but not limited to attorney-client or work product privileges, or Executive Session privileges. If necessary depending on the issues remaining at trial, this witness may also testify regarding the City budget, Council meetings, and adoption of the 2012 budget.

13. Adrienne Fraley-Monillas, Councilmember
c/o Jayne L. Freeman
Keating, Bucklin & McCormack, Inc., P.S.
800 Fifth Avenue, Suite 4141
Seattle, WA 98104
(206) 623-8861

1 This individual may have witnessed plaintiff's conduct and/or engaged in
 2 communications with or regarding Plaintiff, and/or the Human Resources and/or finance
 3 staff, issues, or committees, City of Edmonds governmental and organizational structure,
 4 City operations, business, and finances, including labor negotiations. By identifying this
 5 individual as potentially having knowledge of information, the City does not intend to waive
 6 any privileges that may apply to such knowledge, including but not limited to attorney-client
 7 or work product privileges or Executive Session privileges. If necessary depending on the
 8 issues remaining at trial, this witness may also testify regarding the City budget, Council
 9 meetings, and adoption of the 2012 budget.

10
 11 14. Strom Peterson, Councilmember
 12 c/o Jayne L. Freeman
 13 Keating, Bucklin & McCormack, Inc., P.S.
 14 800 Fifth Avenue, Suite 4141
 15 Seattle, WA 98104
 16 (206) 623-8861

17 This individual may have witnessed plaintiff's conduct and/or engaged in
 18 communications with or regarding Plaintiff and/or the Human Resources and/or finance staff,
 19 issues, or committees, City of Edmonds governmental and organizational structure, City
 20 operations, business, and finances. By identifying this individual as potentially having
 21 knowledge of information, the City does not intend to waive any privileges that may apply to
 22 such knowledge, including but not limited to attorney-client or work product privileges or
 23 Executive Session privileges. If necessary depending on the issues remaining at trial, this
 24 witness may also testify regarding the City budget, Council meetings, and adoption of the
 25 2012 budget.

26 15. Lora Petso, Councilmember
 27 c/o Jayne L. Freeman
 28 Keating, Bucklin & McCormack, Inc., P.S.
 29 800 Fifth Avenue, Suite 4141
 30 Seattle, WA 98104
 31 (206) 623-8861

1 This individual may have witnessed plaintiff's conduct and/or engaged in
 2 communications with or regarding Plaintiff and/or the Human Resources and/or finance staff,
 3 issues, or committees, City of Edmonds governmental and organizational structure, City
 4 operations, business, and finances. By identifying this individual as potentially having
 5 knowledge of information, the City does not intend to waive any privileges that may apply to
 6 such knowledge, including but not limited to attorney-client or work product privileges or
 7 Executive Session privileges. If necessary depending on the issues remaining at trial, this
 8 witness may also testify regarding the City budget, Council meetings, and adoption of the
 9 2012 budget.

10
 11 16. Courtney Craft, State Auditor's Office
 12 Washington State Auditor's Office
 13 3501 Colby Ave, Suite 100B
 14 Everett, WA 98201
 15 (425)257-2149

16 Ms. Craft may testify regarding knowledge of the State Auditor's Office
 17 communications with Edmonds employees and audit activities.

18 17. Shawn Hunstock, Finance Director
 19 c/o Jayne L. Freeman
 20 Keating, Bucklin & McCormack, Inc., P.S.
 21 800 Fifth Avenue, Suite 4141
 22 Seattle, WA 98104
 23 (206) 623-8861

24 Mr. Hunstock may be called to testify regarding City of Edmonds organizational
 25 structure, operations, Finance Department, budget, and activities involving the State
 26 Auditor's Office.

27 **A. On behalf of defendant Cooper:**

28 1. Defendant Cooper may call the witnesses identified in Defendant City of
 Edmonds and David Earling's Pretrial Statement, which is incorporated herein by reference.

2. In addition, this defendant may call:

DJ Wilson
 c/o Jayne L. Freeman

Possible Witness Only

Keating, Bucklin & McCormack, Inc., P.S.
 800 Fifth Ave., Ste. 4141
 Seattle, WA 98104
 (206) 623-8861

Mr. Wilson may testify regarding working and communicating with Plaintiff, his observations of Plaintiff's conduct and behavior toward Council Members, and his knowledge as set forth in his deposition taken in this matter.

XII. EXHIBITS

B. Plaintiff Debi Humann's Exhibits (#1 – 167)

Exhibit No.	Date	Bates No.	Document	Admitted Stip.	Auth. Stip. / Admiss. disputed	Auth./ Admiss. disputed	Admitted
1.	(2010-2011)	ED 1041-43	Human Resources Analyst Job Description	x			
2.	(2011-2011)	ED 1044-1046	Human Resources Director Job Description	x			
3.	1/1/06 & 1/1/10	DHRPR-00710; DHRPR-00669	Debi Humann Human Resources Certifications 1/1/2006 & 1/1/2010	x			
4.	2014	Cordon Ex. 11	HR Certification Institute Materials			x	
5.			Summary of Humann Performance Evaluations (FRE 1006)			x	
6.	1999-2010	See Exhibit 6 PDF	Humann Performance Evaluations		x		
7.			Summary of Humann Human Resources Training & Education (FRE 1006)			x	

8.		See Exhibit 8 PDF	Humann Training & Education Records		x		
9.		DHRPR-00782;ED 2066	Salary History of Debi Humann	x			
10.	1/1/07	DLH-00735	City of Edmonds Humanitarian Award		x		
11.	1/11/08	ED 3911	Memorandum re: HR Staffing		x		
12.	3/10/08	DLH-00748-00751	Humann Performance Appraisal		x		
13.	7/9/08	ED 001511	Promotion Announcement		x		
14.	6/15/09	DLH-00747	Humann Performance Appraisal		x		
15.	3/24/10	DLH-00743-00746	Humann Performance Appraisal		x		
16.		DLH-00710-13	Humann Letters of Recommendation		x		
17.	4/12/10	DLH-03497-03498; 03556	File notations by Dave Gossett			x	
18.	2010-2011	ED 1047-1049	Executive Assistant Job Description		x		
19.	7/3/10	ED 00284-286	Executive Assistant to the Mayor Employment Announcement	x			
20.	7/25/10	ED 03895-03896	Application for Employment by Kimberly Cole		x		
21.	8/2/10	ED 03891	Receipt of Personnel Policies (Cole)		x		
22.	8/2/10	ED 03889	Personnel Status Report (new hire Kimberly Cole)	x			

23.	8/2/10	ED 03801	Emergency Personnel File Information (Cole)		x		
24.	8/13/10	DLH-01323-01324	Letter to Council President Peterson	x			
25.	8/31/10	ED 03780-03786	Email from Debi Humann regarding Order for Protection		x		
26.	9/22/10	ED 001535-1538	"Lynwood official's work with city of Edmonds raises questions", HeraldNet		x		
27.	10/11/10	DLH-01291-1292	Notes re: Meeting with Mayor Cooper & Council President Steve Bernheim			x	
28.	11/16/10	ED 03545-03547	Letter to Lorenzo Hines re: 2010 Annual Review & Audit	x			
29.	12/21/10		Edmonds City Council Approved Minutes (excerpts)		x		
30.	2/1/11	ED 001749-001754	Calendar with notations			x	
31.	2/1/11	ED 04293-4294	Email re: 2011 City Council Retreat - Mayor & Department Priorities	x			
32.	2/3/11	ED 001099-001100	Notes: Meeting with Mayor Cooper & Stephen Clifton		x		
33.	2/3/11	CPR 000119	Meeting Notice	x			
34.	2011	ED 01455-1476	Time Records of Kimberly Cole			x	

35.	2/4/11	CPR 000078-000086	2011 City Council Retreat Department Priorities	x			
36.	2/6/11	Plunket Ex. 1	"Report: Edmonds council-members' conduct didn't violate state, federal laws", <i>myedmondsnews.com</i>		x		
37.	2/6/11	DLH 01445, DLH-01451	Email re: Request for Public Records - Michael Plunkett			x	
38.	2/8/11	DHRPR 00410	Email re: Vacation Accrual - Cole	x			
39.	2/16/11	DLH 011447-1449	Email re: Update on M. Plunkett Request for Public Records	x			
40.	2/24/11-8/4/11	ED 2702-2721	Compensation Consultant Project Materials	x			
41.	3/1/11	ED 3740-3742	Minutes - Public Safety & Human Resources Committee	x			
42.	4/5/11	ED 03743-3747	Minutes - Public Safety & Human Resources Committee	x			
43.	4/5/11	ED 01193-01194	Email re: FW: Records Request		x		
44.	5/10/11	ED 03748-3750	Minutes - Public Safety & Human Resources Committee	x			
45.	5/13/11	See Ex. 45 PDF	Letter re: Public Record Request Dated April 22, 2011		x		
46.		ED 03606-	Edmonds City	x			

		03607	Council Approved Minutes (excerpts) 6/7/2011				
47.		ED 03658, ED 03678-03681	Edmonds City Council Approved Minutes (excerpts) 6/21/2011	x			
48.		See Exhibit 48 PDF	"Challenger Earling Outpolls incumbent Cooper in Edmonds primary for Mayor", myedmondsnews .com 8/16/2011			x	
49.		CPR 000113	Email to Kim Cole (blank) 8/17/2011	x			
50.		CPR 000113	Email re: Payroll exceptions with handwritten notations 8/30/2011	x			
51.		ED 001591	Payroll accrual printout 8/31/2011	x			
52.		ED 001594	Email to Cooper re: Payroll – Kim Cole 8/31/2011	x			
53.		ED 001592	Email re: (blank email) 9/1/2011	x			
54.				x			
55.	9/7/11	DLH-03034	Email re: FW: Public Records Request	x			
56.	9/8/11	DLH 00434- 00436	Communications with Washington	x			

			State Auditor's Office				
57.	9/9/11	DLH 03025-03026	Email re: (blank email)	x			
58.	9/12/11	DLH 00507-00509	Activity History Summary/Detail Report (Cole)			x	
59.	9/15/11	ED 1615	Cole Payroll Exception Time Sheet	x			
60.	9/16/11	ED 001105-001108	Documentation of Kim Cole's Payroll Exception and attachments		x		
61.	9/21/11	ED 1177-1179	Email string: Update to Records Request (K. Cole)		x		
62.	9/21/11	DLH 00433-00449	Communications with Washington State Auditor's Office	x			
63.	9/21/11	DLH 00435-00436, 00445, 00448-00449	Email string: RE: Request for a File – Documents	x			
64.	9/22/11	Cooper Dep. Ex. 8	Cooper email with attachment ("The Bill Clinton Approach")		x		
65.	9/22/11	DLH 00233	Email re: "Changes in City Hall"	x			
66.	9/22/11	DHRPR 00778	Email re: Firing of Debi Humann		X (or redact)		
67.	9/22/11	CPR000061	"Cooper Fires HR Director Debi Humann, citing 'lack of confidence' in her abilities", <i>myedmondsnews.com</i>		x		
68.	9/22/11	Cooper Ex. 6	Voicemail of		x		

			Micheal Cooper				
69..	9/22/11-9/23/11	Cates Ex. 2	Cates/Dudkowsk i email string re: follow up		x		
70.	9/23/11	ED 02830	Personnel Status Report (Humann termination)	x			
71.	9/24/11	Cooper Ex. 10	"I Really Want My Job Back": Fired HR Director Taking Legal Action", <i>Edmonds.Patch.c om</i>		x		
72.	9/25/11	CPR 121	Email re: Kimberly Cole		x		
73.	9/25/11	CPR000065	"Edmonds Mayor Says He Cooperated With Audit of City Employee," <i>Edmonds.Patch.c om</i>		x		
74.	(9/27/11)	See Exhibit 74 PDF	"Edmonds mayor fires City human resources director," <i>HeraldNet</i>		x		
75.	9/28/11	CPR 000062	"Mayor's assistant, HR director, off Edmond's payroll," <i>HeraldNet</i>		x		
76.	9/29/11	CPR 000066- 000067; ED 00239-241	"Humann firing raises larger issues," <i>Edmondsbeacon. com</i>		x		
77.	9/30/11	Cooper Dep. Ex. 9	Cooper Memo to Council		x		

78.	10/4/11 10/11/11; 10/18/11; 10/25/11; 11/1/11; 11/7/11; 12/20/11	ED 002, ED 0024, ED 0027, ED 0046, ED 0063, ED 0090; ED 0092	Edmonds City Council Executive Session Notes		x		
79.	10/4/11 10/11/11; 10/18/11; 10/25/11; 11/1/11; 11/7/11; 12/20/11	ED 03, ED 0025, ED 0028; ED 0047; ED 0067; ED 0081; ED 0091; ED0093	Edmonds City Council Minutes (excerpts)		x		
80.			Summary of Executive Sessions re: Humann (FRE 1006)			x	
81.	10/4/11	DLH 003- DLH-009	City Council Resolution No. 1257 (with Cooper/Cole agreements)		x		
82.	10/5/11	Cooper Dep. Ex. 11	"Two departures in city of Edmonds intrigue", <i>Seattle Times</i>		x		
83.	10/11/11	Clifton Exhibit 4	Email re: Workplace Investigation		x		
84.	10/12/11	ED 120	Humann Retaliation Complaint	x			
85.	10/13/11	ED 00119-120	Email re: Letter/Complaint Seeking Relief (Debi Humann) (with attachment)		x		
86.	10/13/11	DLH 422	Press Release re: Human Retaliation Complaint	x			
87.	10/13/11	DHRPR 0778	Cooper email re:	x			

			changes in city hall				
88.	10/13/11		Edmonds Beacon Newspaper (hard copy)		x		
89.	10/14/11	DLH 00342-00343	"Fired worker files protest," <i>The Herald</i>		x		
90.	10/14/11	ED 205-210	Webber Professional Services Agreement		x		
91.	10/14/11	ED 195	Cooper email re: Independent Investigation to be Conducted		x		
92.	10/18/11	ED 0028, ED 0037-43	Edmonds City Council Approved Minutes (excerpts)		x		
93.	10/21/11 11/11	ED 419-429; ED 438-439	City of Edmonds/Preston Agreements		x		
94.	10/20/11		Edmonds Beacon Newspaper (hard copy)		x		
95.	10/25/11	ED 0047, ED 0053-ED 0061	Edmonds City Council Approved Minutes (excerpts)	x			
96.	11/1/11	ED 0089	Edmonds City Council Approved Minutes (excerpts)	x			
97.	11/2/11	ED 1124-28 and Coskey Declaration	Susan Coskey Agreement; Susan Coskey Invoice; BrightSprings/Susan Coskey Investigation File Privilege Log (redacted)		x		

98.	11/4/11-9/9/12	ED 4390	Adams Consulting Invoices	x			
99.	11/7/11	ED 00130-00132	Email re: A few questions		x		
100.	11/15/11	DLH 00593 - 00603	Report by State Auditor regarding Citizen Hotline Concern			x	
101.	11/15/11	DLH 00083, 00085-89	Edmonds City Council Approved Minutes (excerpts)		x		
102.	11/18/11	ED 368-372	Email re: Requested Materials		x		
103.	11/22/11	ED 2351	Bucklin/Webber emails re: Edmonds adv. Cole Investigation		x		
104.	11/22/11	ED 02573-75	Agenda Edmonds City Council (11/22/11)	x			
105.	11/22/11	ED 02035-036; ED 2041-049	Edmonds City Council Approved Minutes (excerpts)	x			
106.	11/22/11		Edmonds City Council Meeting Video (excerpts)			x	
107.	11/29/11	ED 2462; ED 2370; ED2352-2369	Bucklin/Webber emails re: Confidential -- Edmonds-Cole Report (draft report attached)		x		
108.	11/30/11	ED 3851	Letter of Termination by David Earling (Cole)	x			
109.	11/30/11	Hite Dep. Ex. 6	City of Edmonds Press Release	x			

110.	12/1/11	ED 04400-04401	Human Resources, December 2011 Briefing for Mayor	x			
111.	12/5/11	ED 133	Humann Case Calendar Entry		x		
112.	12/6/11	DLH 00099 - 124	Edmonds City Council Meeting Minutes (excerpt)		x		
113.	12/13/11	Earling Dep. Exhibit 11	Taraday email (with attachment)		x		
114.	12/13/11	ED 00135-136	"Press Release" email	x			
115.	12/13/11	ED 03441-42	"Mayor to Debi Humann: You Can Come Back Till End of Year, Then Leave Again," <i>Edmonds Patch.com</i>		x		
116.	12/14/11	ED 2828	Personnel Status Report (Humann reinstatement)	x			
117.	12/14/11	CPR000072	Earling email re: Debi Humann	x			
118.	12/15/11		Edmonds Beacon Newspaper (hard copy)		x		
119.	12/15/11-12/16/11	Earling Dep. Ex. 12	Emails re: Requests for Investigative Report on Debi Humann		x		
120.	12/28/11	DLH-362	Freed letter to Earling		x		
121.	12/28/11	ED 148-149; ED 152-153; Earling Exhibit 14	Email string re: Letter from Cliff Freed, Attorney Representing D. Humann (with attachment)		x		
122.	12/28/11	ED 2812	Personnel Status	x			

			Report (Humann layoff)				
123.	1/3/12	ED 3083-3100	Edmonds/Cole Investigation (Webber)		x		
124.	1/4/12	Webber Dep. Ex. 3	Jim Webber Invoice		x		
125.	1/12/12	From City of Edmonds Website	City of Edmonds Press Release		x		
126.	1/26/12		Edmonds Beacon Newspaper (hard copy)		x		
127.	2/21/12	Hite Dep. Ex. 8	Human Resources Temporary Staffing Proposal	x			
128.	4/4/12	DLH 00478	Washington State Auditor's Management Letter			x	
129.	4/17/12	DLH 00451	Washington State Auditor's Office Public Records Request			x	
130.	5/11/12	DLH-02378- 02379	Letter to Kim Cole (Loren Simmonds)			x	
131.	9/24/12	DLH-02409- 02411; 2419- 32	City of Lynnwood City Council Business Meeting Minutes; Memorandum re: City Councilmember Attendance & Qualification to Hold Office in Re: City Councilmember Kimberly Cole, Position #1			x	
132.	9/27/12		City of Edmonds Reply on its Motion for		x		

			Partial Summary Judgment				
133.	1/1/02	ED 00287-00336; DLH 00542-000592	City of Edmonds Personnel Policies (excerpts)	x			
134.		Document 58 Filed Exhibit (Taraday Decl.)	Edmonds City Code Chapter 2 (excerpts)	x			
135.			Diagram: 3rd Floor Edmonds City Hall			x	
136	2/14/14		Patton Report		x		
137.			Patton CV	x			
138.			Humann Economic Damages Summary (see Patton Report pg 5)		x		
139.		DLH 00821 - 00824	Humann Job Application Log	x			
140.		DLH 00796-01280	Humann Job Applications	x			
141.			Summary of Media Reporting re: Debi Humann (FRE 1006)			x	
142.		Exhibit 142 PDF	Collected press articles		x		
143.	10/28/13	Resp to Pltf 2 nd discov	City of Edmonds Interrogatory Answer No. 1		x		
144.	10/28/13	Resp to Pltf 2 nd discov	City of Edmonds Interrogatory Answer No. 5		x		
145.	10/28/13	Resp to Pltf 2 nd discov	City of Edmonds Interrogatory Answer No. 6		x		
146.	10/28/13	Resp to Pltf 2 nd discov	City of Edmonds Interrogatory Answer No. 7		x		
147.	2/7/14	Resp to Pltf 4 th discov	City of Edmonds' Interrogatory		x		

			Answer No. 10				
148.	4/18/14	Resp to Pltf 5 th discov	City of Edmonds Interrogatory Answer No. 27		x		
149.	4/18/14	Resp to Pltf 5 th discov	City of Edmonds Interrogatory Answer No. 36		x		
150.	4/3/14	DLH-02784- 2785 & Subpoena	Declaration of Records Custodian - Seattle University School of Law		x		
151.	4/3/14	DLH 02786, 2797-2798	Seattle University School of Law Records		x		
152.	4/3/14	DLH-03462- 3463; DLH- 03555 & Subpoena	Declaration of Records Custodian - Snohomish County Council; Subpoena; 4/16/2014 Letter from Norma Middleton		x		
153.	4/7/14	DLH-03462- 3463; DLH- 03555 & Subpoena	Declaration of Records Custodian - Snohomish County Council; Subpoena; 4/16/2014 Letter from Norma Middleton		x		
154.	4/15/14	DLH-02351- 2352 & Subpoena	Declaration of Records Custodian - City of Lynnwood & Subpoena		x		
155.	1/1/10 - 9/12/12	DLH-02447- 2455; 2387- 2399; 2435- 2446	Council Member Attendance Records			x	
156.	11/10- 9/11	DLH 00510 - 00517	Cole Payroll Exception			x	

			Timesheets				
157.		ED 1611-12	Analysis of Kim Cole Hours Undated			x	
158.		ED 1613-14	SAO Cole Leave Analysis Undated			x	
159.		Docket #47	Cole Deposition Subpoena Materials March 2014		x		
159.	4/14/14	PDF Ex. 160	Kim Cole Letter (with attachments)		x		
160.	See Exhibit 160 PDF	Cole Deposition Subpoena Materials	March 2014	RO MO FF		x	
161.	Pages 1-208	Media Coverage (<i>see Exhibit 141 for Summary</i>)	9/11-12/2012	RO MO FF		x	
162.	Audio File	Excerpts Lynnwood City Council Business Meeting	9/24/12			x	
163.	YouTube Screen shot	YouTube Upload of Cooper Voicemail (see Ex 68 for audio)	11/2/11			x	
164.	ED 2558	City of Edmond's Org. Chart	1/17/14	x			
165.	Photo	Photo COE City Hall, 3rd floor: From door of copy room into Office of Executive Assistant to Mayor	9/8/14			x	

166.	Photo	Photo COE City Hall, 3rd floor: From window of copy room into Office of Executive Assistant to Mayor	9/8/14			X	
167.	DLH-02751-55	Lynnwood City Council woman Cole talks about Edmonds controversy	11/9/11			X	

B. Defendant City of Edmonds and/or Earling Proposed Exhibits (##200+)

Exhibit No.	Date	Bates No.	Document	Admiss. Stip.	Auth. Stip. / Admiss. Disputed	Auth. /Admiss. Disputed	Admitted
200.			City of Edmonds Org Chart			X	
201.	2004	ED 03898-03903	HR Dept. Workplan			X	
202.	3/22/07	ED 03583-03584	Humann-Haakenson Email re: questions from Plunkett		X		
203.	10/3/07	ED 03904-03909	DH-Directors memo: future of Edmonds—Human Resources			X	
204.	1/9/07	ED 03563	Humann Notes re mtg w/ Haakenson			X	
205.	12/12/08		Ordinance No. 3718 establishing NR exempt employee salary		X		

			ranges				
206.	4/13/10 7:30pm	ED 03571- 03572	DH-Haakenson email re: interim contract for Hines		x		
207.	4/13/10 7:35pm	ED 03573- 03574	DH-Haakenson email re: interim contract for Hines			x	
208.	7/2/10	ED 03564	DH-Haakenson email re PERS- Plunkett		x		
209.	7/21/10	ED 04363	DH-Haakenson email re: Well....	x			
210.	9/13/10 4:17pm	DLH 01346	DH-Plunkett email re; L5 at Finance		x		
211.	9/14/10 6pm	DLH 01423- 01429	Finance Committee minutes & NR pay schedule			x	
212.	10/15/10	ED 04315- 04318	DH-Cooper email re: 2010 Dept. strategic priorities		x		
213.	2010	ED 03915	Notes re: 2011 work priorites			x	
214.	11/30/10	ED 04340-4349	DH-Haakenson email re: FW: Budget Question			x	
215.	1/19/11	ED 04240- 04241	Clifton- Directors email & Cooper 1/13/11 email re: homework for council retreat		x		
216.	2/1/11	ED 04304- 04305	Agenda- Council Retreat		x		
217.	1/24/11	ED 03828- 03829	Cole-Cooper email re: FW: Edmonds Chamber			x	
218.	2/7/11	ED 03826-	Cole-Cooper			x	

		03827	email re: Staff Meeting Structure				
219.	4/14/11 11:47am	DLH 01490	Plunkett-chase re PRR of Plunkett		x		
220.	4/14/11 5:02pm	DLH 1491-1492	Petso-Chase re PRR of Plunkett		x		
221.	4/27/11 2:48pm	ED 03582	Plunkett-council email re: public records request		x		
222.	4/14/11 11:47am	ED 03570	Plunkett-Chase, Cooper/Council re: public records request Michael Plunkett		x		
223.	4/28/11	DLH 01493	Chase-Plunkett ltr re: PRR extension		x		
224.	5/4/11 10:49am	CPR 000077	Plunkett-Cooper/Council re: Council emails		x		
225.	5/12/11	ED 03593-03596	DH-Chase email & attach re: 5/10/11 Human Resources Committee mtg minutes		x		
226.	5/16/11 6:57pm	ED 03569	Plunkett-Chase, Cooper/Council Re: Plunkett public records request		x		
227.	6/3/11	Email disk	Edmonds Press Release re: Mayor Cooper announces hiring freeze			x	
228.	6/20/11 2:54pm	ED 001195	Cole-Cooper email re: renewed protection order		x		

229.	6/20/11 4:15pm	ED 001196	Cole-Coper email re: repeated & frequent telephone hang ups		x		
230.	6/22/11	ED 04242- 04243	DH-Cooper email re: FW: workload	x			
231.	7/25/11 5:26pm	ED 001197	Cole-Cooper email re: repeated hang ups		x		
232.	8/15/11	ED 001459- 001464	Cole "time cards" (feb-aug 2011)			x	
233.	8/17/11	Email disk	Cole-Humann email out-of- office reply			x	
234.	9/1/11 4:43pm	ED 04369- 04370	Cole-Cooper email re: FW: ____ (what was sent in response to blank email)		x		
235.	9/1/11	ED 001542	Cole payroll exception sheet 8/16-8/31/11- signed by Cole 9/1/11	x			
236.	9/7/11 12:14pm	ED 001799			x		
237.	9/7/11 2:56:11 pm	ED 001157- 001158	Chase-directors re: update to Haakenson request		x		
238.	9/8/11	ED 001162	Haakenson request for rep for Haines Wharf "investigation"		x		
239.	9/12/11 11:49am	ED 04371- 04372	Cole-Cooper email re: records request meeting		x		
240.	9/13/11 11:06am	ED 04373- 04374	Cole-Cooper email re: immediate			x	

			request for employment documents				
241.	9/15/11	ED 001542 ED 001545	Cole exception report-8/16- 8/31/11— signed by Cooper 9/15/11 w/ post-it & new exception sheet signed re- signed 9/15/11			x	
242.	9/19- 9/16/11	ED 02537	Cooper calendar			x	
243.	9/21/11 10:52am 11:01am	ED 001208	Cole-Cooper emails re admin leave			x	
244.	9/15/11	ED 004375- 004378	Cole-Cooper Email re: review file			x	
245.	9/19/11	DHRPR- 00262- 00264	DH- Bernheim/Coun cil re: earnings exceeding \$100,000			x	
246.	9/21/11	ED 001492	DH payroll exception time sheet-9/16- 9/30/11— signed 9/21/11			x	
247.	9/22/11	ED 001490- 001491	Humann PSR and separation payout			x	
248.	10/13/11 9:42am	ED 00127	Cooper-Hite email re: FW: changes in City Hall			x	
249.	10/26/11 10:29am		Hardie-all city email re: position analysis questionnaire			x	
250.	11/22/11	ED 01813- 1819 ED 01835- 01851	City of Edmonds 2012 Budget (excerpts)			x	
251.	12/16/11	ED 00150-	Taraday-Earling			x	

	3:56pm	00151	email re: FW: press release from mayors office re Debbie Humann (from Cliff Freed)				
252.	11-7-11	Cooper Dep., Ex. 14	Statement from Mike Cooper "received by my edmondsnews"			x	
253.	12/1/11 5:19pm	DLH 01558	Bernheim- Clifton re: elimination of HR Dir from 2012 budget			x	
254.	12-13-11 10:29pm	ED 00163	Taraday-Freed re: press release from mayors office re debi humann			x	
255.	12-22-11 10:17am	ED 00144- 00145	Romoff-Earling email & letter from Freed re: Debi Humann 2 nd Whistleblower Complaint re: budget decision			x	
256.	12-28-11 1:05pm	ED 00146- 00147	Romoff-Earling email & letter from Freed re: Debi Humann 1 st WB complaint--- requesting hearing			x	
257.	Various dates		Mary Ann Hardie personnel records (excerpts)			x	
258.	9/22/11	ED 04380	Human Resources Transition Plaint			x	
259.	9/26/11	ED 03548-	WCIA-Chase re			x	

		03549	2011 annual WCIA review & audit				
260.	10/25/11	ED 00124	Buckshnis/Wilson-Hite re: compensation consultant			x	
261.	11/14/11	ED 03553	Adams-WCIA (cc: Hite/Hardie) re: WCIA HR audit			x	
262.	12/11	ED 44004401	Human Resources, Dec. 2011 Briefing for Mayor			x	
263.	12/13/11	ED 00137-00138	Hite-press/council/earling re: press release from mayor's office (re: reinstatement of DH)			x	
264.	2012	ED 04384-04389	Summary & recommendations re: adopting updated personnel policies			x	
265.	2/18/11 12:14pm & 2/28/11	Email disk	Cole-Cooper emails re state of city address			x	
266.	3/15/11 3:34pm	ED 04329-04331	Humann-Haakenson fw PRR emails from Edmonds			x	
267.	3/15/11 11:00am	ED 4367-4368	Humann-Haakenson fw: PRR emails from Edmonds			x	
268.	3/8/11 3:48am	ED 04335	Humann-Haakenson re: FYI—you're mentioned also			x	
269.	9/7/11 11:07am	ED 001155-ED	Chase-staff fw Haakenson			x	

		001156	original PRR request				
270.	9/15/11 11:20am		Cole—Eden screen shot of leave			x	
271.	11/22/11	Video clips	City Council Mtg (excerpts)			x	

XIII. ACTION BY THE COURT

A. This case is scheduled for trial before a jury on October 27, 2014, at 9:00 a.m.

B. Trial briefs shall be submitted to the court on September 10, 2014.

C. Jury instructions requested by either party shall be submitted to court on or before September 10, 2014. Suggested questions of either party to be asked of the jury by the court on voir dire shall be submitted to the court on or before September 10, 2014.

This order has been approved by the parties as evidence by the signatures of their counsel. This order shall control the subsequent course of the action unless modified by a subsequent order. This order shall not be modified except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

DATED this ____ day of ____, 2014

The Honorable Marsha J. Pechman
United States District Judge

Form Approved:

1 FRANK FREED SUBIT & THOMAS LLP

2 /s/ Beth Bloom

3 Beth Barrett Bloom, WSBA #31702

4 Jillian M. Cutler, WSBA #39305

5 Attorneys for Plaintiff

6 KEATING BUCKLIN & McCORMACK, INC, PS

7

8 /s/ Jayne L. Freeman (via email approval)

9 Jayne L. Freeman, WSBA # 24318

10 Attorneys for Defendant City of Edmonds

11 TURNER KUGLER LAW, PLLC

12 /s/ John T. Kugler (via email approval)

13 John T. Kugler, WSBA # 19960

14 Attorney for Defendant Micheal Cooper